

Senate File 2360

H-8388

1 Amend the amendment, H-8333, to Senate File 2360, as
2 passed by the Senate, as follows:

3 1. Page 1, by striking lines 1 through 39 and
4 inserting:

5 <Amend Senate File 2360, as passed by the Senate, as
6 follows:

7 1. By striking everything after the enacting clause
8 and inserting:

9 <Section 1. Section 124.401, subsection 5, Code
10 2014, is amended by adding the following new unnumbered
11 paragraph after unnumbered paragraph 2:

12 NEW UNNUMBERED PARAGRAPH. A person may knowingly
13 or intentionally recommend, possess, use, dispense,
14 deliver, transport, or administer cannabidiol if the
15 recommendation, possession, use, dispensing, delivery,
16 transporting, or administering is in accordance with
17 the provisions of chapter 124D. For purposes of this
18 paragraph, "*cannabidiol*" means the same as defined in
19 section 124D.2.

20 Sec. 2. NEW SECTION. 124D.1 Short title.

21 This chapter shall be known and may be cited as the
22 "*Medical Cannabidiol Act*".

23 Sec. 3. NEW SECTION. 124D.2 Definitions.

24 As used in this chapter:

25 1. "*Cannabidiol*" means a nonpsychoactive
26 cannabinoid found in the plant *Cannabis sativa* L.
27 or *Cannabis indica* or any other preparation thereof
28 that is essentially free from plant material, and has
29 a tetrahydrocannabinol level of no more than three
30 percent.

31 2. "*Department*" means the department of public
32 health.

33 3. "*Intractable epilepsy*" means an epileptic seizure
34 disorder for which standard medical treatment does
35 not prevent or significantly ameliorate recurring,
36 uncontrolled seizures or for which standard medical
37 treatment results in harmful side effects.

38 4. "*Neurologist*" means an allopathic or osteopathic
39 physician board-certified in neurology in good standing
40 and licensed under chapter 148.

41 5. "*Primary caregiver*" means a person, at least
42 eighteen years of age, who has been designated by a
43 patient's neurologist or a person having custody of a
44 patient, as being necessary to take responsibility for
45 managing the well-being of the patient with respect
46 to the medical use of cannabidiol pursuant to the
47 provisions of this chapter.

48 Sec. 4. NEW SECTION. 124D.3 Neurologist
49 recommendation — medical use of cannabidiol.

50 A neurologist who has examined and treated a patient

1 suffering from intractable epilepsy may provide but
2 has no duty to provide a written recommendation for
3 the patient's medical use of cannabidiol to treat or
4 alleviate symptoms of intractable epilepsy if no other
5 satisfactory alternative treatment options exist for
6 the patient and all of the following conditions apply:

7 1. The patient is a permanent resident of this
8 state.

9 2. A neurologist has treated the patient for
10 intractable epilepsy for at least six months. For
11 purposes of this treatment period, and notwithstanding
12 section 124D.2, subsection 4, treatment provided by a
13 neurologist may include treatment by an out-of-state
14 licensed neurologist in good standing.

15 3. The neurologist has tried alternative treatment
16 options that have not alleviated the patient's
17 symptoms.

18 4. The neurologist determines the risks of
19 recommending the medical use of cannabidiol are
20 reasonable in light of the potential benefit for the
21 patient.

22 5. The neurologist maintains a patient treatment
23 plan.

24 Sec. 5. NEW SECTION. 124D.4 Cannabidiol
25 registration card.

26 1. *Issuance to patient.* The department may approve
27 the issuance of a cannabidiol registration card by the
28 department of transportation to a patient who:

29 a. Is at least eighteen years of age.

30 b. Is a permanent resident of this state.

31 c. Requests the patient's neurologist to submit
32 a written recommendation to the department signed by
33 the neurologist that the patient may benefit from the
34 medical use of cannabidiol pursuant to section 124D.3.

35 d. Submits an application to the department, on a
36 form created by the department, in consultation with
37 the department of transportation, that contains all of
38 the following:

39 (1) The patient's full name, Iowa residence
40 address, date of birth, and telephone number.

41 (2) A copy of the patient's valid photo
42 identification.

43 (3) Full name, address, and telephone number of the
44 patient's neurologist.

45 (4) Full name, residence address, date of birth,
46 and telephone number of each primary caregiver of the
47 patient, if any.

48 (5) Any other information required by rule.

49 2. *Patient card contents.* A cannabidiol
50 registration card issued to a patient by the department

1 of transportation pursuant to subsection 1 shall
2 contain, at a minimum, all of the following:
3 a. The patient's full name, Iowa residence address,
4 and date of birth.
5 b. The patient's photo.
6 c. The date of issuance and expiration date of the
7 registration card.
8 d. Any other information required by rule.
9 3. *Issuance to primary caregiver.* For a patient in
10 a primary caregiver's care, the department may approve
11 the issuance of a cannabidiol registration card by the
12 department of transportation to the primary caregiver
13 who:
14 a. Is at least eighteen years of age.
15 b. Requests a patient's neurologist to submit a
16 written recommendation to the department signed by the
17 neurologist that a patient in the primary caregiver's
18 care may benefit from the medical use of cannabidiol
19 pursuant to section 124D.3.
20 c. Submits an application to the department, on a
21 form created by the department, in consultation with
22 the department of transportation, that contains all of
23 the following:
24 (1) The primary caregiver's full name, residence
25 address, date of birth, and telephone number.
26 (2) The patient's full name.
27 (3) A copy of the primary caregiver's valid photo
28 identification.
29 (4) Full name, address, and telephone number of the
30 patient's neurologist.
31 (5) Any other information required by rule.
32 4. *Primary caregiver card contents.* A cannabidiol
33 registration card issued by the department of
34 transportation to a primary caregiver pursuant to
35 subsection 3 shall contain, at a minimum, all of the
36 following:
37 a. The primary caregiver's full name, residence
38 address, and date of birth.
39 b. The primary caregiver's photo.
40 c. The date of issuance and expiration date of the
41 registration card.
42 d. The full name of each patient in the primary
43 caregiver's care.
44 e. Any other information required by rule.
45 5. *Expiration date of card.* A cannabidiol
46 registration card issued pursuant to this section shall
47 expire one year after the date of issuance and may be
48 renewed.
49 6. *Card issuance — department of transportation.*
50 The department may enter into a chapter 28E agreement

1 with the department of transportation to facilitate the
2 issuance of a cannabidiol registration card pursuant to
3 subsections 1 and 3.

4 Sec. 6. NEW SECTION. 124D.5 Department duties —
5 rules.

6 1. a. The department shall maintain a confidential
7 file of the names of each patient to or for whom the
8 department issues a cannabidiol registration card
9 and the name of each primary caregiver to whom the
10 department issues a cannabidiol registration card under
11 section 124D.4.

12 b. Individual names contained in the file shall be
13 confidential and shall not be subject to disclosure,
14 except as provided in subparagraph (1).

15 (1) Information in the confidential file maintained
16 pursuant to paragraph "a" may be released to the
17 following persons under the following circumstances:

18 (a) To authorized employees or agents of the
19 department and the department of transportation as
20 necessary to perform the duties of the department and
21 the department of transportation pursuant to this
22 chapter.

23 (b) To authorized employees of state or local
24 law enforcement agencies, but only for the purpose of
25 verifying that a person is lawfully in possession of a
26 cannabidiol registration card issued pursuant to this
27 chapter.

28 (2) Release of information pursuant to subparagraph
29 (1) shall be consistent with the federal Health
30 Insurance Portability and Accountability Act of 1996,
31 Pub. L. No. 104-191.

32 2. The department, in consultation with the
33 department of transportation, shall adopt rules to
34 administer this chapter which shall include but not
35 be limited to rules to establish the manner in which
36 the department shall consider applications for new and
37 renewal cannabidiol registration cards.

38 Sec. 7. NEW SECTION. 124D.6 Medical use of
39 cannabidiol — affirmative defense.

40 1. a. A recommendation for the possession or use
41 of cannabidiol as authorized by this chapter shall be
42 provided exclusively by a neurologist for a patient who
43 has been diagnosed with intractable epilepsy.

44 b. Cannabidiol provided exclusively pursuant to the
45 recommendation of a neurologist shall be obtained from
46 an out-of-state source and shall only be recommended
47 for oral or transdermal administration.

48 c. A neurologist shall be the sole authorized
49 recommender as part of the treatment plan by the
50 neurologist of a patient diagnosed with intractable

1 epilepsy. A neurologist shall have the sole authority
2 to recommend the use or amount of cannabidiol, if any,
3 in the treatment plan of a patient diagnosed with
4 intractable epilepsy.

5 2. A neurologist, including any authorized agent
6 thereof, shall not be subject to prosecution for the
7 unlawful recommendation, possession, or administration
8 of marijuana under the laws of this state for
9 activities arising directly out of or directly related
10 to the recommendation or use of cannabidiol in the
11 treatment of a patient diagnosed with intractable
12 epilepsy.

13 3. a. In a prosecution for the unlawful possession
14 of marijuana under the laws of this state, including
15 but not limited to chapters 124 and 453B, it is an
16 affirmative and complete defense to the prosecution
17 that the patient has been diagnosed with intractable
18 epilepsy, used or possessed cannabidiol pursuant to a
19 recommendation by a neurologist as authorized under
20 this chapter, and, for a patient eighteen years of
21 age or older, is in possession of a valid cannabidiol
22 registration card.

23 b. In a prosecution for the unlawful possession
24 of marijuana under the laws of this state, including
25 but not limited to chapters 124 and 453B, it is an
26 affirmative and complete defense to the prosecution
27 that the person possessed cannabidiol because the
28 person is a primary caregiver of a patient who has
29 been diagnosed with intractable epilepsy and is in
30 possession of a valid cannabidiol registration card,
31 and where the primary caregiver's possession of the
32 cannabidiol is on behalf of the patient and for the
33 patient's use only as authorized under this chapter.

34 c. (1) The defenses afforded a patient under
35 paragraph "a" apply to a patient only if the quantity
36 of cannabidiol oil possessed by the patient does not
37 exceed thirty-two ounces.

38 (2) The defenses afforded a primary caregiver
39 under paragraph "b" apply to a primary caregiver only
40 if the quantity of cannabidiol oil possessed by the
41 primary caregiver does not exceed thirty-two ounces per
42 patient.

43 d. If a patient or primary caregiver is charged
44 with the commission of a crime and is not in possession
45 of the person's cannabidiol registration card, any
46 charge or charges filed against the person shall be
47 dismissed by the court if the person produces to the
48 court at the person's trial a cannabidiol registration
49 card issued to that person and valid at the time the
50 person was charged.

1 4. An agency of this state or a political
2 subdivision thereof, including any law enforcement
3 agency, shall not remove or initiate proceedings
4 to remove a patient under the age of eighteen from
5 the home of a parent based solely upon the parent's
6 or patient's possession or use of cannabidiol as
7 authorized under this chapter.

8 Sec. 8. NEW SECTION. **124D.7 Penalties.**

9 A person who knowingly or intentionally possesses or
10 uses cannabidiol in violation of the requirements of
11 this chapter is subject to the penalties provided under
12 chapters 124 and 453B.

13 Sec. 9. NEW SECTION. **124D.8 Repeal.**

14 This chapter is repealed July 1, 2017.

15 Sec. 10. **REPORTS.** The university of Iowa carver
16 college of medicine and college of pharmacy shall, on
17 or before July 1 of each year, beginning July 1, 2015,
18 submit a report detailing the scientific literature,
19 studies, and clinical trials regarding the use of
20 cannabidiol on patients diagnosed with intractable
21 epilepsy to the department of public health and the
22 general assembly.>

23 2. Title page, by striking line 2 and inserting
24 <penalties.>>

KLEIN of Washington